

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ OCT 09 2007 ★

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UNITED STATES OF AMERICA ex rel.  
JOSEPH PIACENTILE,  
Plaintiff,

ORDER

BROOKLYN OFFICE

-against-

04 CV 1471 (CB#)  
~~07-CV-0734~~ (CBA)

CVS CORPORATION A/K/A CONSUMER VALUE,  
STORES (also doing business as CVS and CVS.com),  
individually and as successor in interest to SOMA.com,  
ABOR DRUGS, INC., REVCO, D.S. INC. PEOPLES  
DRUG, RITE AID HEADQUARTERS CORP., individually  
and as successor in interest to PERRY DRUG STORES,  
THRIFTY PAYLESS HOLDINGS, INC., HARCO, INC.  
and K&B INCORPORATED, and DUANE READE,  
Defendants.

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AMON, United States District Judge:

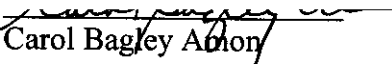
This is an action brought by plaintiff Joseph Piacentile pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*, to recover damages and civil penalties on behalf of the United States of America and several states. On August 29, 2007, the United States provided notice that it would decline to exercise its statutory right to intervene. In that notice, the government referred the Court to 31 U.S.C. § 3730(b)(1), which provides that an action may be maintained in the name of the United States provided that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id.

On August 31, 2007, plaintiff provided notice of dismissal without prejudice pursuant to Fed. R. Civ. P. 41(a)(1). Subsequently, on September 14, 2007, the government filed a letter with the Court providing its consent to the dismissal. Therein, the government explained that

pursuit of this action is not in its best interests, because its investigation had revealed that there was insufficient evidence of the alleged wrongdoing to warrant litigation. The Court is satisfied with the government's explanation. Accordingly, pursuant to plaintiff's notice of dismissal pursuant to Rule 41(a)(1), the Court hereby dismisses this action without prejudice.

SO ORDERED.

Dated: Brooklyn, NY  
October 4, 2007

s/Hon. Carol B. Amon  
  
Carol Bagley Amon  
United States District Judge